



June 17, 2002

Mr. William M. Buechler
Buechler & Associates
814 San Jacinto Boulevard, Suite 408
Austin, Texas 78701-2404

OR2002-3251

Dear Mr. Buechler:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 164393.

The Birdville Independent School District (the "district"), which you represent, received two requests from the same requestor for the employment status of a specified employee and for copies of any allegations or complaints made against the identified employee. You claim that the requested information is excepted from disclosure under sections 552.101, 552.102, 552.103, and 552.114 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

We believe that a prior ruling, Open Records Letter No. 2002-2788 (2002), answers your question concerning whether this information is excepted from public disclosure under sections 552.101, 552.102, 552.103, and 552.114 of the Government Code. From our review of the requests and the submitted information, we find that the current requests encompass the information that was at issue in your previous request for a decision. In our previous decision concerning this information, Open Records Letter No. 2002-2788, we found that portions of the submitted information may be released only in accordance with the Medical Practice Act, the district must withhold certain medical information pursuant to section 552.101 in conjunction with common-law privacy, and that the district must withhold student-identifying information under section 552.101 in conjunction with the federal Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. Because the four criteria for a "previous determination" established by this office in Open Records Decision

No. 673 (2001) have been met, the district may rely on Open Records Ruling No. 2002-2788 to withhold portions of the requested information.¹

If you have any questions about this ruling, please contact our office.

Sincerely,



W. Montgomery Meitler
Assistant Attorney General
Open Records Division

WMM/sdk

Ref: ID# 164393

Enc: Submitted documents

c: Ms. Paula Caballero
Staff Writer
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3201 Airport Freeway, Suite 108
Bedford, Texas 76021
(w/o enclosures)

¹The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. See Open Records Decision No. 673 (2001).